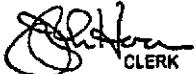


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
FEB 01 2006

CLERK

*
PIORIER EQUIPMENT COMPANY, INC., * CIV 04-4205
*

Plaintiff, *
*
vs. * ORDER

*
CASE CORPORATION, a Delaware
Corporation; ASTEC INDUSTRIES,
INC., a Tennessee Corporation; and
TRENCOR, INC., d/b/a Astec
Underground Inc., *

Defendants. *
*

Pending before the Court is Defendant Case Corporation's Motion for Leave to File a Brief in Excess of 25 Pages, Doc. 108, requesting the Court to allow Case to file a "combined" brief in opposition to Plaintiff's Motion for Partial Summary Judgment and in Support of Case's Cross Motion for Summary Judgment to be filed. Plaintiff consents to Defendant's Motion. A separate document titled as a Motion, Doc. 106, was actually filed in error as a Brief. After consideration of the Motions and the file,

IT IS ORDERED:

1. That Defendant Case Corporation's Motion for Leave to File a Brief in Excess of 25 Pages, Doc. 106, is denied as moot.
2. That Defendant Case Corporation's Motion for Leave to File a Brief in Excess of 25 Pages, Doc. 108, is granted, and Defendant Case may file its combined Brief in Opposition to Plaintiff's Motion for Partial Summary Judgment and in Support of Case's Cross Motion for Summary Judgment, with the combined brief not to exceed fifty (50) pages.

Dated this 12 day of February, 2006.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Margulies
DEPUTY